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Hearing Date: November 23, 2015  
Hearing Time: 11:00 a.m.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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Chapter 11

In Re: Fafa Café Corp.

Debtor.

Case No. 15-12819 (scc)

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**NOTICE OF DEBTOR'S MOTION FOR AN ORDER GRANTING  
THE VOLUNTARY DISMISSAL OF THE WITHIN CHAPTER 11 CASE**

PLEASE TAKE NOTICE that upon the annexed motion (the "Motion") of the above captioned Debtor and Debtor-in-Possession ( the "Debtor), the undersigned will move this Court before the Honorable Shelley C. Chapman, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York, 10004 on the Day, of November, 2015 at 10:00 a.m. for the entry of an order voluntarily dismissing this Chapter 11 case pursuant of Bankruptcy Code Section 1112(b)(1) together with such other and further relief as is just proper and equitable under the circumstances.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief requested in the Motion must be made in writing and (b) must be filed with the Clerk of the Bankruptcy Court electronically at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov). If you dont have the ability to file an objection electronically, the objection may be filed with the Clerk of the Court by presenting the Clerk with a copy of the objection saved in .pdf format by November , 2015. A copy of the objection must

be provided to (a) the Chambers of the Honorable Justice Chapman , (b) Debtor's counsel, at the address listed below, and (c) all parties filing Notice of Appearance, so to be received no later than seven (7) days prior to the hearing. The objection must comply with the Bankruptcy Rules and Local Rules of the court and must state with particularity the legal and factual bases for such objection.

Dated: October 26, 2015  
New York, New York

s/Eric Feinberg, Esq.  
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UNITED STATES BANKRUPTCY COURT  
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Chapter 11

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**DEBTOR’S MOTION FOR AN ORDER GRANTING  
THE VOLUNTARY DISMISSAL OF CHAPTER 11 CASE**

TO THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE

Fafa Café Corp. (the “Debtor”) by its attorneys Law Offices of Eric Feinberg, P.C.  
respectfully submits this motion for the entry of an order voluntarily dismissing this Chapter 11  
case pursuant to 11 U.S.C. Section 1112(b)(1). Together with such other and further relief as is  
just, proper and equitable under the circumstances, (the “Motion”). In support of the Motion, the  
Debtor respectfully states as follows:

**BACKGROUND**

1. On October 19, 2015 the Debtor filed a voluntary petition under chapter 11 of the  
Bankruptcy Code.

2. The petition when filed was done on an emergency basis and at the time of the filing the  
Debtor believed it could reorganize under Chapter 11.

3. However, as the Debtor's attorney became more fully aware it became clear that it would not be able to reorganize due to an excess of secured and unsecured claims.

4. The Debtor operated a small restaurant/deli and intended to utilize the protection of the Court to attempt to reorganize its affairs. Unfortunately the Debtor was unable to do so.

5. Because of the size of its secured and unsecured claims, that at the time of filing was not clearly known by the Debtor and because of the emergency nature of the filing the debtor it was subsequently learned could not afford to reorganize under Chapter 11.

6. The debtor's only assets were the contents of the restaurant/deli it operates: used furniture and equipment. The Debtor now believes its assets are wholly encumbered by potential tax liens from New York State. As a result a liquidation would not generate enough payments to its unsecured creditors.

#### **RELIEF REQUESTED**

7. By this Motion, the debtor seeks entry of an order dismissing its Chapter 11 case pursuant to 11 U.S.C. Section 1112(b)(1) . That section provides in relevant part that the Court is granted authority to dismiss a Chapter 11 proceeding if dismissal is in the best interests of the Creditors and the Estate.

8. Because of the amount of the secured and unsecured creditors cannot be paid as would be required by law, any plan for reorganization would be impossible. Moreover, the Debtor's assets consist of used furniture and equipment that has nominal value. To the extent that there are any assets available, whatsoever, such assets would be used to pay the New York State taxing authorities.

9. For these reasons, the Debtor seeks dismissal of its case, and asserts dismissal is in the best interests of its creditors. If the debtor is able to sell off any of its assets it will use the monies secured from these assets to pay its creditors. Adding a layer of administrative expenses to perform that task would only diminish the return of debt to its creditors. e.g. In RE Babyoff 445 B.R. 64 (Bankr. E.D.N.Y.)(stating that a court may find that where a trustee would impose an unaffordable burden, dismissal may well be in the estate's best interest), For these reasons, the debtor believes the best interest of the creditors will be achieved by dismissing it Chapter 11 case.

10. Debtor served notice of this motion on all known creditors.

WHEREFORE, the debtor respectfully requests that the Court dismiss this Chapter 11 case and grant any other and further relief this Court deems appropriate.

Dated: October 26, 2015  
New York, N.Y.

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